

## **REMARKS/ARGUMENTS**

In the Action, it was required that the drawings be amended to show an "optical fiber splice", which is a feature in various claims. Fig. 1(b) has been amended to show optical splices, depicted as an X, between the laser 25 and the combiner circuit 30. Support for this drawing amendment can be found in paragraph 46 on page 13 of the application.

Claims 1-40 are pending. Claims 39-40 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Number 6,602,002, issued to Srivastava al. ("Srivastava"). Claims 1-5, 14-24 and 33-38 were rejected as being unpatentable over Srivastava in view of U.S. Patent Number 6,171,782, issued to Kobayashi ("Kobayashi").

Regarding the rejection of claims 39 and 40, Applicants respectfully disagree with the rejection and request that it be withdrawn for at least the following reasons. The Srivastava citation merely recite the prior art namely that 1) 2 combiners (one even and one odd) can be interleaved (interleaver not shown, but described) to provide a more dense channel spacing than is possible using one combiner, and 2) a passive 4:1 coupler (210) can be used to combine the output from combiners covering different wavelength ranges. The present invention describes a new use of the interleaver not disclosed or taught by Srivastava, which is the use of an interleaver to combine output from combiners covering different wavelength ranges. While the interleaving functionality is not needed for this application, the interleaving structure provides for a multiplexing/demultiplexing structure that has lower loss than Srivastava and other prior art embodiments. For example, the insertion loss of the interleaver can be less than 2 dB, while a 2x1 coupler can have in excess of 3 dB and a 4x1 coupler can have in excess of 6 dB loss. See Page 7, paragraph 27 of the application.

With regard to the 103 rejection, Applicants respectfully disagree with the rejection and request that it be withdrawn for at least the following reasons. While Applicants agree that Srivastava does not disclose a plurality of substitute signal transmitters, Applicants disagree that Kobayashi provides teachings sufficient to overcome the deficiencies of Srivastava. The Kobayashi citations disclose the use of a tunable transmitter as a backup transmitter for a plurality of signal transmitter in case of a failure. The tunable transmitter is used to transmit signals that would have been transmitted by the signal transmitter, but for its failure. This disclosure does not teach the use of substitute transmitters that generate a substitute signal which provides loading in a corresponding sub-band.

In view of the above response, Applicant believes that the claims are in condition for allowance, and respectfully requests that such action be taken. If the Examiner has any questions pertaining to this Amendment or to the subject application in general, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,



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